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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,198	09/19/2005	Christian Bertin	127534	7021

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EXAMINER	
SAINT CYR, JEAN D	

ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,198	BERTIN, CHRISTIAN	
	Examiner	Art Unit	
	JEAN D. SAINT CYR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 September 2005* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is on response to applicant's amendment filed on 06/06/2008. Claims 1-26 are still pending in the current application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments were fully considered, but they were not persuasive. Applicant argues that Kambayashi et al did not disclose downloading any initial requests and Kambayashi et al only disclose downloading program information.

However, Kambayashi et al disclose the section 2d-3 may hold return destination information such as an IP address in order to receive a return from the broadcasting station. Based on the event ID, terminal information, and the like transmitted from the receiving terminal 2, the broadcasting station server 1c reads the corresponding program detailed information out of the program database 1, and downloads it to the network access unit 2c via the communication line 4. The downloaded program detailed information is stored in an information storage unit 2e included in the receiving terminal 2. By storing the IP address locally, that proves that initial request was downloaded together with the program information by the user terminal. As a result, this action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, 13-14, 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Mittal 20030045277.

Re claim 1, Kambayashi et al disclose a method of acquiring description data for broadcast audiovisual contents (see fig.10), the method comprising:

a prior step of acquiring and storing in a receiver terminal (see fig.4, terminal information holding system) at least one initial information request comprising an address of at least one audiovisual content description server (included but limited to, IP address, col.12, lines 13-23);

a step of generating at least one subsequent information request on the basis of the initial information request (included but not limited to, accesses from an audience to the center and distribution of information from the center to the audience at audience's request, col.2, lines 1-3);

a step in which the receiver terminal transmits the subsequent information request to the audiovisual content description server (both dispersion of accesses from an audience to the center and distribution of information from the center to the audience at audience's request in accordance with an amount of information, can easily be controlled, col.22, lines 15-18; that means receiver terminal sent request to server information and server information sent response to receiver terminal); and
a step of the receiver terminal receiving description data supplied as a function of elements of the subsequent information request (distribution of information from the center to the audience at audience's request, col.2, lines 1-3; that means the terminal receiver receives information from the database information server).

But Kambayashi et al did not clearly disclose wherein the step of acquiring and storing the initial request comprises downloading the initial request.

However, Mittal et al disclose server is capable of receiving a request from the mobile station to download values of the initial operational parameters to the mobile station, 0025; and The IP address of the server may be contained in the initial operational parameters request signal, 0019).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce downloading initial request into the system of Kambayashi, as taught by Mittal, for the purpose of allowing users to receive the IP address of server that they are connected to.

Re claim 2, Kambayashi et al disclose wherein during the step of receiving description data, audiovisual content description data is supplied as a function of a relationship between at least one date and time associated with the subsequent information request and the broadcast date and time of the contents (see fig.23, broadcast time screen).

Re claim 3, Kambayashi et al disclose wherein the date and time associated with the subsequent information request corresponds to the date and time at which the subsequent information request is transmitted (terminal time and event ID contained in the terminal information, col.13,lines 34-35).

Re claim 4, Kambayashi et al disclose wherein, the subsequent information request as transmitted is identical to the initial request (causing the processor to transmit the ID of the event and the terminal information to the broadcasting station server through a two-way communication line based on the acquired destination information, col.7, lines 35-38).

Re claim 5, Kambayashi et al disclose wherein during the step of generating the subsequent information request, the initial request is extended by specifying at least one date and time (see fig.7, distribution time).

Re claim 6, Kambayashi et al disclose wherein, during the step of receiving description data, the data supplied is that corresponding to audiovisual content broadcast at the date and time specified in the subsequent information request (Upon receiving the event ID from the event acquisition section 2d-1, the event generation section 2d-2 reads terminal information such as the currently-selected channel information, the terminal ID of the receiving terminal 2, the present time, terminal time, and location,col.12, lines 24-28; that means time was associated with the request).

Re claim 7, Kambayashi et al disclose wherein during the step of generating the subsequent information request, the initial request is expanded by specifying a number of content items (included but not limited to, the number of accessing receiving terminals 2 is counted,col.20, lines 33-46) and in that during the step of receiving description data, the data supplied corresponds to the requested number of audiovisual content items broadcast starting from the date and time specified in the subsequent information request (see fig.25, element 2a-4, event starting section).

Re claim 8, wherein during the step of generating the subsequent information request, the initial request is extended by specifying a time interval, and in that during the step of receiving description data, the data supplied relates to audiovisual content broadcast in the time interval specified in the subsequent information request (time interval in the main video signal, col.11, line 59).

Re claim 13, Kambayashi et al disclose , wherein the initial request is downloaded from a description server (included but not limited to, see fig.1, element 1b; the program information is previously downloaded from the broadcasting station server 1c to the information storage unit 2e of the receiving terminal, col.19, and lines 62-64).

Re claim 14, Kambayashi et al disclose wherein the prior step of acquiring and storing an initial step comprises the receiver terminal receiving said initial request via a signaling channel associated with an audiovisual content broadcast channel (see fig.1).

Re claim 17, Kambayashi et al disclose wherein the subsequent information request is associated with a single audiovisual content broadcast channel (see fig.7, channel 1; that means every request has a channel associated with it).

Re claim 18, Kambayashi et al disclose wherein during the step of generating the subsequent information request, a set of broadcast channels is defined (a plurality of broadcasting channel, col.12, lines 65-66), and in that during the step in which the receiver terminal transmits the subsequent information request, as many subsequent information requests are transmitted as there are broadcast channels specified in the subsequent information request (see fig.7; the terminal information comprises channel information of the program information, col.2, lines 59-60).

Re claim 19, Kambayashi et al disclose wherein the step of generating the subsequent information request, comprises adding at least one selection criterion to the initial request (the broadcasting unit 1a updates, e.g., the last figure of the terminal ID, changes the terminal designation information, multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, Col.20. lines 38-43).

Re claim 20, is met as previously discussed with respect to claim 1.

Re claim 21, Kambayashi et al disclose wherein the description server includes means for making an initial request available (see fig.10, receive information from server and display it).

Re claim 22, Kambayashi et al disclose wherein the system includes at least

one audiovisual content broadcast server (see fig.1, element 1c, broadcasting station server) said server including means for transmitting initial requests together with the broadcast content (multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, col.20, lines 38-42).

Re claim 23, Kambayashi et al disclose including transmission means for transmitting the initial request together with the broadcast content (multiplexes terminal control information including the updated information with a video signal, and distributes it to the audience, col.20, lines 38-42).

Re claim 24, Kambayashi et al disclose wherein the transmission means are regular transmission means (transmission means for transmitting both the ID of the event and the terminal information acquired by the terminal information acquisition means to the broadcasting station server through a two-way communication line based on the destination information acquired by the destination information acquisition means, col.4, lines 49-54; that means a regular transmission where there is communication in both ways).

Re claim 25, is met as previously discussed with respect to claim 1.

Re claim 26, is met as previously discussed with respect to claim 21.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al in view of Mittal in further view of Legall et al, US No. 6005565.

Re claim 9, Kambayashi et al and Mittal did not disclose wherein the time interval is defined by a start date and time and by an end date and time.

However, Legall et al disclose wherein the time interval is defined by a start date and time and by an end date and time (start time and end time, col.4, line 7).

Therefore, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the time interval is defined by a start date and time and by an end date and time into the system of Kambayashi and Mittal, as taught by Legall, for the purpose of allowing users to have all information regarding the schedule.

Re claim 10, Kambayashi et al and Mittal fail to disclose wherein the time interval is defined by a start date and time and by duration.

However, Legall et al disclose wherein the time interval is defined by a start date and time (start time and end time, col.4, line 7) and by a duration(duration of the program, col.4, line 8).

Therefore it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the time interval is defined by a start date and time and by duration into the system of Kambayashi and Mittal for the purpose of allowing the users to know the specific length of the program.

Re claim 11, Kambayashi et al and Mittal fail to disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content.

However, Legall et al disclose wherein during the request generation step, the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content(the information associated with a broadcast can be more than just a sequence of keywords. Keywords can be combined with logical syntactic operators such as AND, OR and NOT to produce

Boolean combinations of search terms and to provide a more intelligent query, col.5, lines 23-28).

Therefore it would have been obvious for any person of ordinary skill in the art to implement wherein during the request generation step; the initial request is extended by specifying keywords corresponding to the names of description elements for broadcast audiovisual content into the system of Kambayashi and Mittal for the purpose of adding more details in the request of the search.

Re claim 12, Kambayashi et al and Mittal fail to disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received.

However, Legall et al disclose wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received (maintaining logs of searches performed for subsequent references, col.3, lines 6-7; see fig.5, element 516, edit; that means the user can update the search by adding new time to a previous search).

Therefore it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein following the step of receiving description data, the method returns to the request generation step in order to generate at least one new request associated with a new date and a new time corresponding to the end-of-broadcast date and time for the audiovisual content for which description data has just been received into the system of Kambayashi and Mittal for the purpose of allowing users to modify previous search easily.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi et al and Mittal in view of Kimchi t al, US No. 20020147814.

Re claim 15, Kambayashi et al and Mittal did not explicitly disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server.

However, Kimchi et al disclose wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server (the devices provide a description of their capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

Therefore it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the step of acquiring and storing an initial request comprises a broadcast server supplying an SDP type file corresponding to an address field of a description server into the system of Kambayashi and Mittal for the purpose of allowing users to receive different type of files.

Re claim 16, Kambayashi et al and Mittal did not disclose wherein the description data is supplied in the form of an XML file.

However, Kimchi et al wherein the description data is supplied in the form of an XML file (the devices provide a description of their capabilities to the terminal server using a protocol such as SDP, H.245, HTML, XML, IETF ConnNeg or any proprietary mean, 0078).

Therefore it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the description data is supplied

in the form of an XML file into the system of Kambayashi and Mittal for the purpose of allowing users to receive specific type of files.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

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